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CONFERENCE ON SECURITY
AND COOPERATION IN EUROPE

SECURITY COUNCIL
Forty-ninth year

Letter dated 21 December 1994 from the Permanent Representative of Hungary to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the text of the Document of the Budapest Summit of 1994 of the Conference on Security and Cooperation in Europe (CSCE), entitled "Towards a genuine partnership in a new era".

I should be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the General Assembly, under agenda item 27, and of the Security Council.

(Signed) István NÁTHON
Ambassador

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ANNEX

Document of the Budapest Summit of 1994 of the Conference on Security and Cooperation in Europe

Towards a genuine partnership in a new era

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BUDAPEST SUMMIT DECLARATION

BUDAPEST SUMMIT DECLARATION

Towards a Genuine Partnership in a New Era

1. We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have met in Budapest to assess together the recent past, to consider the present and to look to the future. We do so as we approach the Fiftieth Anniversary of the end of World War II and the Twentieth Anniversary of the signing of the Helsinki Final Act, and as we commemorate the Fifth Anniversary of the fall of the Berlin Wall.

2. We believe in the central role of the CSCE in building a secure and stable CSCE community, whole and free. We reaffirm the principles of the Helsinki Final Act and subsequent CSCE documents. They reflect shared values which will guide our policies, individually and collectively, in all organizations and institutions to which we belong.

3. The CSCE is the security structure embracing States from Vancouver to Vladivostok. We are determined to give a new political impetus to the CSCE, thus enabling it to play a cardinal role in meeting the challenges of the twenty-first century. To reflect this determination, the CSCE will henceforth be known as the Organization for Security and Co-operation in Europe (OSCE).

4. The CSCE has been instrumental in overcoming barriers and in managing change throughout our region. Since we last met, there have been further encouraging developments. Most vestiges of the Cold War have disappeared. Free elections have been held and the roots of democracy have spread and struck deeper. Yet the path to stable democracy, efficient market economy and social justice is a hard one.

5. The spread of freedoms has been accompanied by new conflicts and the revival of old ones. Warfare in the CSCE region to achieve hegemony and territorial expansion continues to occur. Human rights and fundamental freedoms are still flouted, intolerance persists and discrimination against minorities is practised. The plagues of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic tension are still widespread. Along with social and economic instability, they are among the main sources of crisis, loss of life and human misery. They reflect failure to apply the CSCE principles and commitments. This situation

requires our resolute action. We must work together to ensure full respect for these principles and commitments as well as effective solidarity and co-operation to relieve suffering.

6. We recognize that societies in the CSCE region are increasingly threatened by terrorism. We reiterate our unreserved condemnation of all acts and practices of terrorism, which cannot be justified under any circumstances. We reconfirm our determination to combat terrorism and our commitment for enhanced co-operation to eliminate this threat to security, democracy and human rights.

7. The CSCE will be a forum where concerns of participating States are discussed, their security interests are heard and acted upon. We will further enhance its role as an instrument for the integration of these States in resolving security problems. Through the CSCE, we will build a genuine security partnership among all participating States, whether or not they are members of other security organizations. In doing so, we will be guided by the CSCE's comprehensive concept of security and its indivisibility, as well as by our commitment not to pursue national security interests at the expense of others. The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which the sovereign equality and the independence of all States are fully respected, there are no spheres of influence and the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

8. The CSCE will be a primary instrument for early warning, conflict prevention and crisis management in the region. We have agreed that the participating States may in exceptional circumstances jointly decide that a dispute will be referred to the United Nations Security Council on behalf of the CSCE. We have also decided to pursue more systematic and practical co-operation between the CSCE and European and other regional and transatlantic organizations and institutions that share its values and objectives.

9. The CSCE has created new tools to deal with new challenges. In this regard, we welcome the entry into force of the Convention on Conciliation and Arbitration within the CSCE. We will further enhance the CSCE's role and capabilities in early warning, conflict prevention and crisis management, using, *inter alia*, CSCE peacekeeping operations and missions. We will provide consistent political support and adequate resources for CSCE efforts. We have agreed to

strengthen the CSGE's political consultative and decision-making bodies and its executive action by the Chairman-in-Office, supported by the Troika, as well as other CSCE procedures and institutions, in particular the Secretary General and the Secretariat, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights. We have also decided to enhance our contacts and dialogue with the CSCE Parliamentary Assembly.

10. Continuing the CSCE's norm-setting role, we have established a "Code of Conduct on Politico-Military Aspects of Security" that, *inter alia*, sets forth principles guiding the role of armed forces in democratic societies.

11. We welcome the adoption by the CSCE Forum for Security Co-operation of substantial measures, including a new, developed Vienna Document 1994. A compendium of related measures is annexed to Decision VI of the Budapest Document. In order to provide further momentum to arms control, disarmament and confidence- and security-building that adds to earlier decisions and agreements, we have directed it to continue its work in accordance with its mandate and to develop a framework which will serve as a basis for an agenda for establishing new measures of arms control, including in particular confidence- and security-building. We have also mandated it to address specific regional security problems, with special emphasis on longer-term stability in South-Eastern Europe.

12. In view of the new threats posed by the proliferation of weapons of mass destruction, we have agreed on basic principles to guide our national policies in support of common non-proliferation objectives. We are strongly committed to the full implementation and indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons. We welcome the recent statements by the four nuclear-weapon States in the CSCE region relating to nuclear testing as being consistent with negotiation of a comprehensive nuclear test-ban treaty. We urge that all signatories to the Convention on the Prohibition of Development, Production, Stockpiling or Use of Chemical Weapons and on their Destruction complete the ratification process in the shortest possible time. We also underline the importance of an early entry into force and implementation of the Treaty on Open Skies.

13. In light of continuing rapid change, we deem it important to start discussion on a model of common and comprehensive security for our region for the twenty-first century, based on the

CSCE principles and commitments. This discussion will take into account the CSCE's contribution to security, stability and co-operation. The Chairman-in-Office will present a progress report to the next Ministerial Council in 1995 in Budapest. The results of discussion on such a security model will be submitted to our next Summit Meeting in Lisbon in 1996.

14. We confirm the significance of the Human Dimension in all the activities of the CSCE. Respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security and co-operation in the CSCE region. It must remain a primary goal of CSCE action. Periodic reviews of implementation of our commitments, fundamental throughout the CSCE, are critical in the Human Dimension. The enhanced capabilities of the Office for Democratic Institutions and Human Rights will continue to assist participating States, in particular those in transition. We underline the importance of human contacts in overcoming the legacy of old divisions.

15. We recognize that market economy and sustainable economic development are integral to the CSCE's comprehensive concept of security. We encourage the strengthening of co-operation to support the transition processes, regional co-operation and environmental responsibility. We welcome the role played by the relevant international organizations and institutions, such as the United Nations Economic Commission for Europe, OECD, EBRD and EIB, in support of the CSCE's economic dimension priorities. We are committed to enhancing the effectiveness of the Economic Forum and of the CSCE's other economic dimension activities. We ask the Chairman-in-Office to explore ways to integrate economic dimension issues into the tasks faced by the CSCE and report on progress at our next Summit Meeting.

16. We welcome the Declaration of Paris which launched the process aimed at the establishment of a Pact on Stability, as well as the intention expressed therein to entrust the CSCE with following the implementation of the Pact.

17. Strengthening security and co-operation in the Mediterranean is important for stability in the CSCE region. We welcome progress towards peace in the Middle East and its positive implications for European security. The common position adopted by Algeria, Egypt, Israel, Morocco and Tunisia on CSCE-Mediterranean relations encourages us to deepen the

long-standing relationship and reinforce co-operation between the CSCE and the non-participating Mediterranean States.

18. We note with satisfaction the development of our relationship with Japan.

We welcome the interest of the Republic of Korea which has attended the CSCE Summit Meeting for the first time and of other States in the CSCE's experience and activities, and express our readiness to co-operate with them in areas of mutual interest.

19. In order to move towards a genuine partnership in a new era, we have today adopted the Budapest Decisions which will be implemented fully and in good faith.

20. We entrust the Ministerial Council with the further steps which may be required to implement them. The Council may adopt any amendment to the decisions which it may deem appropriate.

21. The full text of the Budapest Document will be published in each participating State, which will make it known as widely as possible.

22. The Government of Hungary is requested to transmit to the Secretary-General of the United Nations the text of the Budapest Document, which is not eligible for registration under Article 102 of the Charter of the United Nations, with a view to its circulation to all the members of the Organization as an official document of the United Nations.

Budapest, 6 December 1994

Declaration on the Fiftieth Anniversary of the Termination of World War II

1. In 1995 mankind will commemorate the 50th anniversary of the end of the battles of World War II which caused unprecedented suffering and destruction.

2. We mourn the tens of millions of people who lost their lives. We honour the memory of all those who fought for the victory of humanity and against dictatorship, oppression and aggression.

3. World War II and its profound and long-lasting consequences constitute a constant warning to us to observe with all our strength and determination the principles of the Helsinki Final Act. Through the power of its ideas, through the courage of men and women, through the strength of the will of the people Europe has finally liberated itself from the legacy of the past and has opened a new era for democracy, peace and unity. Guided by our desire to create a truly unified Europe we, the Heads of State or Government of the States participating in the CSCE, therefore reaffirm our intention to seek ever closer co-operation in a Europe without walls, without ideological barriers and without political animosities.

4. The CSCE is the appropriate and indispensable framework for the ongoing process of change. As a community of States dedicated to freedom and democracy, from Vancouver to Vladivostok, we are ready to make full use of CSCE potential in preventing new rifts and divisions in the CSCE region and in providing security and stability for all participating States.

5. Too many parts of our community are still overshadowed by violence and bloodshed. We are all called upon to ensure that under no circumstances does barbarity have any place in the CSCE region.

6. Remembering the World War II tragedy, and aware of today's violence and conflicts, both among and within States, we:

- recall the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles and purposes of the Charter of the United Nations and the Helsinki Final Act;

- resolutely declare that the participating States will intensify efforts in order to bring to an end all existing conflicts, and to spare future generations from the scourge of new wars in any form, including through education in lessons drawn from the history of wars.

7. We are convinced that the implementation of this commitment will be the best way to render justice to those who struggled for peace, freedom, democracy and human dignity and to commemorate the victims of World War II. Only thus we will ensure that such tragedies will never be repeated and that Europe will be transformed into a united continent of peace, stability, co-operation and prosperity.

Declaration on Baltic Issues

The participating States welcomed the withdrawal of foreign troops from the Baltic States as agreed in paragraph 15 of the Helsinki Summit Declaration of 1992. They acknowledged this as an event of historic significance and as an important factor in stabilizing the security environment in the Baltic region.

They agreed that this achievement will promote good-neighbourly relations and constructive co-operation in the region. The participating States noted in this regard that the CSCE offers a variety of means of co-operation and support, including a framework for consultation and dialogue, missions and assistance in the implementation of bilateral agreements. They declared their readiness to make the best possible use of the CSCE in order to consolidate and enhance security, stability, respect for human rights, and continued democratic evolution in all participating States in the Baltic region. In this connection, the CSCE, considering its positive experience in the Baltic States, will further extend its role in the human dimension, including in human rights, as well as in other areas, towards all participating States in the Baltic region.

They acknowledged the valuable contribution of the Council of the Baltic Sea States to regional co-operation.

BUDAPEST DECISIONS

I

STRENGTHENING THE CSCE

1. The new era of security and co-operation in Europe has led to a fundamental change in the CSCE and to a dramatic growth in its role in shaping our common security area. To reflect this the CSCE will henceforth be known as the Organization for Security and Co-operation in Europe (OSCE). The change in name will be effective on 1 January 1995. As of this date, all references to the CSCE will henceforth be considered as references to the OSCE.

2. The participating States are determined to exploit its potential to the fullest, and agreed in that spirit on the following goals and objectives along with structural changes needed to strengthen the CSCE and make it as effective as possible. The purpose is to strengthen the CSCE's contribution to security, stability and co-operation in the CSCE region so that it plays a central role in the promotion of a common security space based on the principles of the Helsinki Final Act.

3. The Heads of State or Government have directed that the future role and functions of the CSCE will include the following:

4. - to make vigorous use of its norms and standards in shaping a common security area;

5. - to ensure full implementation of all CSCE commitments;

6. - to serve, based on consensus rules, as the inclusive and comprehensive forum for consultation, decision-making and co-operation in Europe;

7. - to enhance good-neighbourly relations through encouraging the conclusion of bilateral, regional and potential CSCE-wide agreements or arrangements between and among participating States;

8. - to strengthen further the CSCE's capacity and activity in preventive diplomacy;

9. - to further its principles and develop its capabilities in conflict resolution, crisis management and peacekeeping and in post-conflict rehabilitation, including assisting with reconstruction;

10. - to enhance security and stability through arms control, disarmament and confidence- and security-building throughout the CSCE region and at regional levels;

11. - to develop further CSCE work in the field of human rights and fundamental freedoms, and other areas of the human dimension;

12. - to promote co-operation among participating States to establish strong market-based economies throughout the CSCE region;

13. - to enhance further the CSCE's problem-solving activities and abilities taking into account the whole spectrum of its responsibilities as they have developed after the adoption of the Helsinki Final Act in order to meet the new challenges and risks.

14. To accomplish these objectives, the CSCE will function as follows:

15. The next Meeting of Heads of State or Government will take place in 1996 in Lisbon preceded by a preparatory meeting. The Summit will decide on the frequency of future Summit meetings.

16. The Ministerial Council (formerly the CSCE Council) as the central decision-making and governing body of the CSCE will meet, as a rule, towards the end of every term of chairmanship at the level of Foreign Ministers.

17. The Senior Council (replacing the Committee of Senior Officials) will meet in Prague twice a year, at the minimum. An additional meeting will be held before the Ministerial Council Meeting. The Senior Council will discuss and set forth policy and broad budgetary guidelines. The participating States are encouraged to be represented at the level of political directors or at a corresponding level. The Senior Council will also be convened as the Economic Forum.

18. The Permanent Council (formerly the Permanent Committee) will be the regular body for political consultation and decision-making. It can also be convened for emergency purposes. It will meet in Vienna and be composed of the permanent representatives of the participating States.

19. Overall responsibility for executive action will remain with the Chairman-in-Office (CIO). The CIO will continue to take full advantage of his/her mandate, *inter alia*, by dispatching personal representatives. The CIO will be assisted by the Troika. The term of chairmanship will normally last one calendar year.

20. The Secretary General will continue to take full advantage of his/her mandate and in support of the CIO will be more actively involved in all aspects of the management of the CSCE. He/she participates in Troika ministerial meetings.

21. The continuation of the activities of the High Commissioner on National Minorities will be supported and his/her resources will be enhanced. The participating States will increase their efforts to implement his/her recommendations.

22. The work of CSCE missions will be given political support and follow-up from the Permanent Council. In order to ensure the fulfilment of their tasks, the necessary human and financial resources will be committed by the participating States.

23. The CSCE Office for Democratic Institutions and Human Rights will be strengthened in playing an important role in CSCE activities.

24. The CIO will continue to maintain close contacts and an active dialogue with the Parliamentary Assembly (PA). The CIO will draw the recommendations of the PA to the attention of the Permanent Council and inform the PA on the activities of the CSCE.

25. The current mode of review of implementation of all CSCE commitments will be maintained. The review meeting before each Summit will be held in Vienna.

26. The CSCE will enhance co-operation with the United Nations and European and other regional and transatlantic organizations, while avoiding duplication of effort. As participants in a

regional arrangement under Chapter VIII of the Charter of the United Nations, CSCE participating States will make every effort to achieve pacific settlement of local disputes before referring them to the United Nations Security Council.

27. As a comprehensive framework for security, the CSCE will be ready to act as a repository for freely negotiated bilateral and multilateral arrangements and agreements and to follow their implementation if requested by the parties.

28. The CIO will prepare a consolidated text on decisions concerning CSCE structures and institutions by the Budapest 1995 Ministerial Council Meeting.

29. The change in name from CSCE to OSCE alters neither the character of our CSCE commitments nor the status of the CSCE and its institutions. In its organizational development the CSCE will remain flexible and dynamic. Work will be continued on issues relating to further institutional development of the CSCE, including strengthening and rationalization of its instruments and mechanisms. The CSCE will regularly review its goals, operations and structural arrangements. The CSCE will review implementation of the Rome Decision on Legal Capacity and Privileges and Immunities and explore if necessary the possibility of further arrangements of a legal nature. Participating States will, furthermore, examine possible ways of incorporating their commitments into national legislation and, where appropriate, of concluding treaties.

II

REGIONAL ISSUES

Intensification of CSCE action in relation to the Nagorno-Karabakh conflict

1. Deploring the continuation of the conflict and the human tragedy involved, the participating States welcomed the confirmation by the parties to the conflict of the cease-fire agreed on 12 May 1994 through the mediation of the Russian Federation in co-operation with the CSCE Minsk Group. They confirmed their commitment to the relevant resolutions of the United Nations Security Council and welcomed the political support given by the Security Council to the CSCE's efforts towards a peaceful settlement of the conflict. To this end they called on the parties to the conflict to enter into intensified substantive talks, including direct contacts. In this context, they pledged to redouble the efforts and assistance by the CSCE. They strongly endorsed the mediation efforts of the CSCE Minsk Group and expressed appreciation for the crucial contribution of the Russian Federation and the efforts by other individual members of the Minsk Group. They agreed to harmonize these into a single co-ordinated effort within the framework of the CSCE.

2. To this end, they have directed the Chairman-in-Office, in consultation with the participating States and acting as soon as possible, to name co-chairmen of the Minsk Conference to ensure a common and agreed basis for negotiations and to realize full co-ordination in all mediation and negotiation activities. The co-chairmen, guided in all of their negotiating efforts by CSCE principles and an agreed mandate, will jointly chair meetings of the Minsk Group and jointly report to the Chairman-in-Office. They will regularly brief the Permanent Council on the progress of their work.

3. As a first step in this effort, they directed the co-chairmen of the Minsk Conference to take immediate steps to promote, with the support and co-operation of the Russian Federation and other individual members of the Minsk Group, the continuation of the existing cease-fire and, drawing upon the progress already achieved in previous mediation activities, to conduct speedy

negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. They further requested the co-chairmen of the Minsk Conference to continue working with the parties towards further implementation of confidence-building measures, particularly in the humanitarian field. They underlined the need for participating States to take action, both individually and within relevant international organizations, to provide humanitarian assistance to the people of the region with special emphasis on alleviating the plight of refugees.

4. They agreed that, in line with the view of the parties to the conflict, the conclusion of the agreement mentioned above would also make it possible to deploy multinational peacekeeping forces as an essential element for the implementation of the agreement itself. They declared their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force following agreement among the parties for cessation of the armed conflict. They requested the Chairman-in-Office to develop as soon as possible a plan for the establishment, composition and operations of such a force, organized on the basis of Chapter III of the Helsinki Document 1992 and in a manner fully consistent with the Charter of the United Nations. To this end the Chairman-in-Office will be assisted by the co-chairmen of the Minsk Conference and by the Minsk Group, and be supported by the Secretary General; after appropriate consultations he will also establish a high-level planning group in Vienna to make recommendations on, *inter alia,* the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules of engagement and arrangements with contributing States. He will seek the support of the United Nations on the basis of the stated United Nations readiness to provide technical advice and expertise. He will also seek continuing political support from the United Nations Security Council for the possible deployment of a CSCE peacekeeping force.

5. On the basis of such preparatory work and the relevant provisions of Chapter III of the Helsinki Document 1992, and following agreement and a formal request by the parties to the Chairman-in-Office through the co-chairmen of the Minsk Conference, the Permanent Council will take a decision on the establishment of the CSCE peacekeeping operation.

Georgia

1. Faced with the alarming situation in the Republic of Georgia, which has been even further aggravated by the recent events in Abkhazia, the participating States reiterated their strong support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders. On the basis of these principles, a settlement of the conflicts in Georgia must be reached. The interests of the multi-ethnic population in the areas of conflicts must also be taken into account.

2. The participating States expressed their concern about the unilateral acts of 26 November 1994 by the authorities of Abkhazia, Republic of Georgia. This undermines both United Nations and CSCE efforts to promote a peaceful political settlement through negotiations between the conflicting parties in Georgia.

They expressed their deep concern over "ethnic cleansing", the massive expulsion of people, predominantly Georgian, from their living areas and the deaths of large numbers of innocent civilians.

They expressed their hope that the efforts conducted under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and with the participation of representatives of the CSCE will improve the situation in Abkhazia and thus permit the early return of refugees and displaced persons to their homes in safety and with dignity. In this context, they called on the parties to the conflict to adhere strictly to the principles and recommendations set forth in the relevant United Nations Security Council resolutions as well as in agreements reached in the course of the negotiating process.

3. The participating States noted with satisfaction that certain positive steps have been taken towards a peaceful resolution of the Georgian-Ossetian conflict, building upon the work accomplished by the joint peacekeeping forces (established under the Sochi Agreement as Joint Peacekeeping and Law Enforcement Forces, JPLEF) in maintaining the cease-fire in the conflict area.

These encouraging developments were facilitated by the activities of the CSCE Mission to Georgia and the efforts of the Russian Federation. The participating States encourage the Mission to persevere in its efforts to promote political dialogue between all parties to the conflict, thus contributing to reconciliation and the preparation of a broader political framework in which a lasting settlement of the Georgian-Ossetian conflict can be achieved on the basis of CSCE principles and commitments.

They take note of the activities of the joint peacekeeping forces, established under the Sochi Agreement of 24 June 1992, and welcome the present negotiations to achieve further progress toward a political solution, with the participation of the CSCE Mission. They call upon the CSCE Mission to continue to fulfil its mandate with respect to monitoring the activities of the joint peacekeeping forces.

The participating States welcomed the agreement of all the parties reached on 31 October 1994 to reconvene the Joint Control Commission (JCC) in which the Mission will actively participate.

4. The participating States expressed their appreciation for the efforts undertaken by the Government of Georgia to promote respect for human rights and fundamental freedoms, to build legal and democratic institutions and to assure full transition to a market economy. The Mission will remain actively engaged in assisting the Georgian authorities in these efforts. They urge appropriate governments and international organizations to provide political support and humanitarian and technical assistance to the Republic of Georgia.

5. The participating States consider that it may be desirable to convene at the appropriate time international conferences under the auspices of the CSCE and the United Nations, and with the participation of other international organizations and interested States, to review progress towards settling the conflicts and the development of a democratic society in Georgia.

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Moldova

The participating States welcomed the constructive work of the CSCE Mission to Moldova and pledged their continued support for its efforts.

Recalling the relevant decisions of the Rome Council and subsequent decisions of the Committee of Senior Officials and Permanent Committee, the participating States welcomed the signature on 21 October 1994 of the Agreement between the Republic of Moldova and the Russian Federation on the withdrawal of the Russian Fourteenth Army. They called for the early entry into force of this Agreement thus permitting a timely, orderly and complete withdrawal of these troops from the territory of the Republic of Moldova.

In view of the CSCE's commitment to promote good-neighbourly relations between the participating States, the CSCE will offer the services of its Mission in Moldova to follow closely the implementation of this Agreement by both sides and will remain actively engaged in the search for a lasting political solution of the problems in the eastern part of Moldova (Trans-Dniester region) based on respect for the independence, sovereignty and territorial integrity of the Republic of Moldova. The Mission will continue to co-operate with the representative of the President of the Russian Federation. The participating States welcomed the commitment by both parties to conduct the withdrawal of the Russian Fourteenth Army from the territory of Moldova and the search for a political settlement of the problems of the eastern part of Moldova (Trans-Dniester region) as two parallel processes which will not hamper each other.

III

FURTHER DEVELOPMENT OF THE CAPABILITIES OF THE CSCE IN CONFLICT PREVENTION AND CRISIS MANAGEMENT

Confirming Chapter II of the Decisions of the Rome Council Meeting, the participating States request the Senior Council and the Permanent Council to pursue their work on this subject on the basis of the work carried out by the Permanent Committee and the Budapest Review Conference during 1994.

IV

CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

PREAMBLE

The participating States of the Conference on Security and Co-operation in Europe (CSCE),

Recognizing the need to enhance security co-operation, including through the further encouragement of norms of responsible and co-operative behaviour in the field of security,

Confirming that nothing in this Code diminishes the validity and applicability of the purposes and principles of the Charter of the United Nations or of other provisions of international law,

Reaffirming the undiminished validity of the guiding principles and common values of the Helsinki Final Act, the Charter of Paris and the Helsinki Document 1992, embodying responsibilities of States towards each other and of governments towards their people, as well as the validity of other CSCE commitments,

Have adopted the following Code of Conduct on politico-military aspects of security:

I

1. The participating States emphasize that the full respect for all CSCE principles embodied in the Helsinki Final Act and the implementation in good faith of all commitments undertaken in the CSCE are of fundamental importance for stability and security, and consequently constitute a matter of direct and legitimate concern to all of them.

2. The participating States confirm the continuing validity of their comprehensive concept of security, as initiated in the Final Act, which relates the maintenance of peace to the respect for

human rights and fundamental freedoms. It links economic and environmental co-operation with peaceful inter-State relations.

3. They remain convinced that security is indivisible and that the security of each of them is inseparably linked to the security of all others. They will not strengthen their security at the expense of the security of other States. They will pursue their own security interests in conformity with the common effort to strengthen security and stability in the CSCE area and beyond.

4. Reaffirming their respect for each other's sovereign equality and individuality as well as the rights inherent in and encompassed by its sovereignty, the participating States will base their mutual security relations upon a co-operative approach. They emphasize in this regard the key role of the CSCE. They will continue to develop complementary and mutually reinforcing institutions that include European and transatlantic organizations, multilateral and bilateral undertakings and various forms of regional and subregional co-operation. The participating States will co-operate in ensuring that all such security arrangements are in harmony with CSCE principles and commitments under this Code.

5. They are determined to act in solidarity if CSCE norms and commitments are violated and to facilitate concerted responses to security challenges that they may face as a result. They will consult promptly, in conformity with their CSCE responsibilities, with a participating State seeking assistance in realizing its individual or collective self-defence. They will consider jointly the nature of the threat and actions that may be required in defence of their common values.

II

6. The participating States will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms. They will co-operate fully in combating the threat of terrorist activities through implementation of international instruments and commitments they agree upon in this respect. They will, in particular, take steps to fulfil the requirements of international agreements by which they are bound to prosecute or extradite terrorists.

III

7. The participating States recall that the principles of the Helsinki Final Act are all of primary significance and, accordingly, that they will be equally and unreservedly applied, each of them being interpreted taking into account the others.

8. The participating States will not provide assistance to or support States that are in violation of their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Charter of the United Nations and with the Declaration on Principles Guiding Relations between Participating States contained in the Helsinki Final Act.

IV

9. The participating States reaffirm the inherent right, as recognized in the Charter of the United Nations, of individual and collective self-defence.

10. Each participating State, bearing in mind the legitimate security concerns of other States, is free to determine its security interests itself on the basis of sovereign equality and has the right freely to choose its own security arrangements, in accordance with international law and with commitments to CSCE principles and objectives.

11. The participating States each have the sovereign right to belong or not to belong to international organizations, and to be or not to be a party to bilateral or multilateral treaties, including treaties of alliance; they also have the right to neutrality. Each has the right to change its status in this respect, subject to relevant agreements and procedures. Each will respect the rights of all others in this regard.

12. Each participating State will maintain only such military capabilities as are commensurate with individual or collective legitimate security needs, taking into account its obligations under international law.

13. Each participating State will determine its military capabilities on the basis of national democratic procedures, bearing in mind the legitimate security concerns of other States as well as

the need to contribute to international security and stability. No participating State will attempt to impose military domination over any other participating State.

14. A participating State may station its armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law.

V

15. The participating States will implement in good faith each of their commitments in the field of arms control, disarmament and confidence- and security-building as an important element of their indivisible security.

16. With a view to enhancing security and stability in the CSCE area, the participating States reaffirm their commitment to pursue arms control, disarmament and confidence- and security-building measures.

VI

17. The participating States commit themselves to co-operate, including through development of sound economic and environmental conditions, to counter tensions that may lead to conflict. The sources of such tensions include violations of human rights and fundamental freedoms and of other commitments in the human dimension; manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism also endanger peace and security.

18. The participating States stress the importance both of early identification of potential conflicts and of their joint efforts in the field of conflict prevention, crisis management and peaceful settlement of disputes.

19. In the event of armed conflict, they will seek to facilitate the effective cessation of hostilities and seek to create conditions favourable to the political solution of the conflict. They

will co-operate in support of humanitarian assistance to alleviate suffering among the civilian population, including facilitating the movement of personnel and resources dedicated to such tasks.

VII

20. The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security. They will further the integration of their armed forces with civil society as an important expression of democracy.

21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.

22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.

23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.

24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.

25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.

26. Each participating State will ensure that in accordance with its international commitments its paramilitary forces refrain from the acquisition of combat mission capabilities in excess of those for which they were established.

27. Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.

28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

29. The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.

30. Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict and will ensure that such personnel are aware that they are individually accountable under national and international law for their actions.

31. The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.

32. Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.

33. Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

VIII

34. Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.

35. Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.

36. Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.

37. The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

IX

38. Each participating State is responsible for implementation of this Code. If requested, a participating State will provide appropriate clarification regarding its implementation of the Code.

Appropriate CSCE bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code.

X

39. The provisions adopted in this Code of Conduct are politically binding. Accordingly, this Code is not eligible for registration under Article 102 of the Charter of the United Nations. This Code will come into effect on 1 January 1995.

40. Nothing in this Code alters the nature and content of the commitments undertaken in other CSCE documents.

41. The participating States will seek to ensure that their relevant internal documents and procedures or, where appropriate, legal instruments reflect the commitments made in this Code.

42. The text of the Code will be published in each participating State, which will disseminate it and make it known as widely as possible.

V

FURTHER TASKS OF THE CSCE FORUM FOR SECURITY CO-OPERATION

The participating States,

Having reviewed and assessed the results achieved in the negotiations within the Forum for Security Co-operation (FSC),

Have decided that:

1. The FSC will continue its work in accordance with its mandate and where appropriate develop new approaches to the items therein, taking into account the specific characteristics of the armed forces of individual participating States.

2. The FSC will give increased attention to the improved implementation of existing CSCE commitments relating to confidence- and security-building. It will address their further development, and if appropriate, adopt new measures to meet new challenges.

3. The FSC will also place special emphasis on tackling regional security problems (including crises) flexibly in ways appropriate to each case.

Have also decided that:

4. The FSC will develop a framework for arms control, including goals and methods for building, maintaining and improving stability and security in the CSCE region. This framework should be comprehensive in scope and should address the diverse challenges and risks to military security in the CSCE region. It will serve as a basis for an agenda for establishing new measures of arms control, including in particular confidence- and security-building, for the military forces of all participating States, with a view to strengthening the network of security commitments that the participating States undertake to each other. Specific arms control measures, including

disarmament and confidence- and security-building, may vary in order to address the particular security needs of individual States or regions but may also embrace further CSCE-wide measures, taking into account the specific characteristics of the armed forces of individual participating States.

5. In this context, the FSC will, *inter alia*, seek to promote complementarity between regional and CSCE-wide approaches. These efforts will also build upon the continuing experience and achievements in the area of arms control and confidence- and security-building. They will continue to be based on a co-operative and comprehensive approach to security and will be designed to promote coherence between CSCE arms control and confidence-building efforts and the overall goals of the CSCE.

6. The above work of the FSC will not affect in any way the integrity of the CFE Treaty, nor any rights or obligations of States parties to the Treaty. It will recognize the critical role of that Treaty in ensuring military security and stability.

Have further decided that:

7. The FSC, while retaining its autonomy and decision-making capacity, will be better integrated into CSCE political, conflict prevention and crisis management activities, thus allowing practical co-operation between the FSC and the Permanent Council in the consideration of current issues affecting military security.

8. The FSC will report on the above work by the 1996 Lisbon Summit and make recommendations.

Annex

COMPENDIUM OF DOCUMENTS AND MEASURES ADOPTED BY THE SPECIAL COMMITTEE OF THE FORUM FOR SECURITY CO-OPERATION SINCE SEPTEMBER 1992

1. Vienna Document 1994, including Defence Planning and Programme for Military Contacts and Co-operation

2. Global Exchange of Military Information

3. Principles Governing Conventional Arms Transfers

4. Stabilizing Measures for Localized Crisis Situations

VI

PRINCIPLES GOVERNING NON-PROLIFERATION

The participating States recall that in Prague on 30 January 1992 they reiterated their commitment to prevent the proliferation of weapons of mass destruction and to control the spread of missile technology. They also recall their declaration in the Helsinki Document of 10 July 1992 to take further steps to stop the proliferation of weapons of mass destruction and to intensify co-operation on a non-discriminatory and equitable basis in the field of effective export controls applicable to nuclear materials, and other sensitive goods and technologies as well as conventional arms.

I

The participating States strongly believe that the proliferation of weapons of mass destruction, and missiles to deliver them, poses a threat to international peace, security and stability and hereby affirm their commitment:

- to prevent the proliferation of nuclear weapons;

- to prevent the acquisition, development, production, stockpiling, and use of chemical and biological weapons;

- to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology.

II

In order to promote international peace, security and stability, the participating States undertake to enhance and strengthen existing norms against the proliferation of weapons of mass

destruction. They seek to do so through the use of an entire range of measures available to address the proliferation issues, as well as through the broadest possible multilateral support. Therefore the participating States will:

Nuclear

- implement fully all their existing undertakings in the field of nuclear disarmament and arms control;

- endorse and encourage universal adherence to the NPT; in particular, the participating States that are still not parties to the NPT reiterate their pledge to accede to the NPT as non-nuclear-weapon States in the shortest time possible;

- agree that the NPT should be indefinitely and unconditionally extended;

- bring into force full-scope IAEA safeguards agreements as required by the NPT, including the right of the IAEA to conduct special inspections, thus strengthening the verification regime;

- support efforts to strengthen and streamline IAEA safeguards, in particular with a view to enhancing the Agency's capabilities to better detect clandestine nuclear weapons programmes;

- improve national nuclear export control policies by supporting and, where possible, strengthening the guidelines of the Zangger Committee and the Nuclear Suppliers Group, including the latter's controls on dual-use items;

- welcome the recent statements of France, the Russian Federation, the United Kingdom and the United States of America relating to nuclear testing and are convinced that these statements are consistent with the negotiation of a comprehensive nuclear test-ban treaty and support negotiation in the Conference on Disarmament of a universal and effectively verifiable Comprehensive Test Ban Treaty, as agreed by the Conference on Disarmament on 10 August 1993;

- support efforts for negotiating as soon as possible, in the Conference on Disarmament, a non-discriminatory, internationally and effectively verifiable multilateral treaty banning the production of fissile material for nuclear weapons.

Chemical and Biological

- adhere to the 1925 Geneva Protocol prohibiting the use in war of chemical and biological weapons (CBW);

- adhere to, and join efforts to strengthen, the Biological and Toxin Weapons Convention (BTWC), *inter alia*, by participating in the Ad Hoc Group established by the BTWC Special Conference 19-30 September 1994, to consider appropriate potential verification measures in order to develop a legally-binding regime to promote compliance with the Convention;

- pursue the achievement of universal adherence to the Chemical Weapons Convention (CWC), and participate in the work of the Preparatory Commission; in particular, the participating States that have not yet done so reiterate their pledge to sign and to seek early ratification of the Convention so that it may enter into force as soon as possible;

- review progress in this regard at the next Ministerial Council;

- support controls as agreed, in particular, in the Australia group, and introduce effective licensing and enforcement procedures covering the chemical weapons precursors lists within the existing control regimes, CW-related dual-use equipment, BW-relevant pathogens and BW-related dual-use equipment.

Missile Technology

- support the guidelines of the Missile Technology Control Regime (MTCR), undertake to control the export of missiles, technology and equipment in accordance with the guidelines and annex and encourage efforts with a view to interested participating States becoming adherents to the MTCR.

III

Furthermore each participating State will:

- take appropriate action to reflect the commitments in Section II in its legislation, regulations and procedures governing the non-proliferation of weapons of mass destruction and missiles capable of delivering them, relevant technology and expertise;

- promote international co-operative efforts to provide opportunities for weapons scientists and engineers to redirect their talents to peaceful endeavours, including through available institutional means;

- exchange information, *inter alia*, in the context of security dialogue within the Forum for Security Co-operation (including through seminars and working parties) about national laws, regulations and practical measures for ensuring application and implementation of non-proliferation regimes;

- take all appropriate action to prevent, within their constitutional and legislative means, their nationals from engaging in activities that do not conform to these principles concerning the non-proliferation of all types of weapons of mass destruction.

VII

A COMMON AND COMPREHENSIVE SECURITY MODEL FOR EUROPE FOR THE TWENTY-FIRST CENTURY

Since the end of the Cold War, the CSCE - based on the Helsinki Final Act, the Charter of Paris and the Helsinki Document 1992 - has contributed to co-operative security in the whole CSCE region. In this new era of security co-operation, the participating States have decided to start a discussion of a model based on the CSCE principles and the above-mentioned documents for a common and comprehensive security for the twenty-first century. It will not affect the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve.

Accordingly, they have decided:

- to launch in the CSCE a broad and comprehensive discussion on all aspects of security, as appropriate, aimed at devising a concept of security for the twenty-first century;

- to take into account the ongoing discussions in participating States on this topic;

- to hold a seminar on this topic in Vienna in the autumn of 1995;

- to instruct the Senior Council to include this item in its agenda of its meeting before the next regular meeting of the Ministerial Council in Budapest in 1995;

- to request the Chairman-in-Office to present a progress report to the next meeting of the Ministerial Council. The Council may decide upon modalities for the further discussion and possible work on the model. Results available at that time will be presented to the next Summit Meeting by the Chairman-in-Office.

VIII

THE HUMAN DIMENSION

Introduction

1. In their review of implementation of CSCE commitments in the human dimension, the participating States based their discussion on the community of values established among them, which is reflected in the high standards created within the CSCE. During the discussion, it was noted that major progress had been made in compliance with human dimension commitments. The participating States acknowledged, however, that there was a serious deterioration in some areas and a need for action against the continuing violations of human rights and manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-semitism, which continue to cause human suffering.

2. Human rights and fundamental freedoms, the rule of law and democratic institutions are the foundations of peace and security, representing a crucial contribution to conflict prevention, within a comprehensive concept of security. The protection of human rights, including the rights of persons belonging to national minorities, is an essential foundation of democratic civil society. Neglect of these rights has, in severe cases, contributed to extremism, regional instability and conflict. The participating States confirmed that issues of implementation of CSCE commitments are of legitimate and common concern to all participating States, and that the raising of these problems in the co-operative and result-oriented spirit of the CSCE was therefore a positive exercise. They undertook to encourage implementation of CSCE commitments through enhanced dialogue, implementation reviews and mechanisms. They will broaden the operational framework of the CSCE, in particular by enhancing the Office for Democratic Institutions and Human Rights (ODIHR), increasing its involvement in the work of the Permanent Council and mission activity, and furthering co-operation with international organizations and institutions active in human dimension areas.

3. The participation of non-governmental organizations (NGOs) was a welcome addition to the implementation review. In their statements, these organizations contributed ideas and raised

issues of concern for participating States to take into consideration. They also informed the participating States of their activities, such as in the area of conflict prevention and resolution. The experience of the Budapest Review Conference invites further consideration with regard to promoting within the CSCE the dialogue between governments and NGOs of the participating States, in addition to State-to-State dialogue.

4. Reaffirming their commitments in the human dimension; the participating States, while considering it essential to concentrate their efforts on the implementation of existing CSCE commitments, decide to enhance the framework of their co-operation and to this end adopt the following:

ENHANCING COMPLIANCE WITH CSCE COMMITMENTS AND PROMOTING CO-OPERATION AND DIALOGUE IN THE HUMAN DIMENSION

Enhancing implementation

5. Building on the implementation review structures in the Helsinki Document 1992 and to improve human dimension implementation, the participating States will use the Permanent Council for an enhanced dialogue on the human dimension and for possible action in cases of non-implementation. To this end, the participating States decide that human dimension issues will be regularly dealt with by the Permanent Council. They will draw more widely on the possibilities offered by the Moscow Mechanism for examining or promoting the solution of questions relating to the human dimension on their territory.

6. They encourage the Chairman-in-Office to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, including on the basis of information from the ODIHR, reports and recommendations of the High Commissioner on National Minorities (HCNM), or reports of the head of a CSCE mission and information from the State concerned.

7. The participating States reconfirm their appreciation for the HCNM, who has, fully in line with his mandate, been able to focus on, and to successfully address a number of national

minority issues, taking also into account specific situations of participating States and of parties directly concerned.

They encourage the HCNM to continue his present activities, and support him on taking up new and further ones, including those related to his recommendations. They will increase their efforts to implement these recommendations.

Role of the ODIHR

8. The ODIHR, as the main institution of the human dimension, in consultation with the Chairman-in-Office, will, acting in an advisory capacity, participate in discussions of the Senior Council and the Permanent Council, by reporting at regular intervals on its activities and providing information on implementation issues. It will provide supporting material for the annual review of implementation and, where necessary, clarify or supplement information received. Acting in close consultation with the Chairman-in-Office, the Director of the ODIHR may propose further action.

9. The participating States recognize the need for enhanced co-operation through the ODIHR with other international organizations and institutions active in the human dimension, including among others the United Nations High Commissioner for Human Rights, for the exchange of information, including reports, and for further developing of future-oriented activities, such as outlined in the present document.

10. The participating States decide to

enhance the CSCE's co-operation with other international organizations and institutions, in particular UNHCR and IOM, with a view to contributing to UNHCR's preparation of a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and other interested neighbouring States, by establishing, after consultation in the informal Financial Committee, a temporary position, financed by voluntary contributions for a migration expert;

- task the ODIHR to act as a clearing-house for the exchange of information on media issues in the region, and encourage governments, journalists and NGOs to provide the ODIHR with information on the situation of the media.

11. The ODIHR will be consulted on a CSCE mission's mandate before adoption and will contribute to the follow-up of mission reports as decided by the Permanent Council. The ODIHR's knowledge of experts on the human dimension should be used to help to staff CSCE missions. These missions will also designate a mission member to liaise with the ODIHR and with NGOs on human dimension issues.

12. The ODIHR will play an enhanced role in election monitoring, before, during and after elections. In this context, the ODIHR should assess the conditions for the free and independent functioning of the media.

The participating States request that co-ordination between the various organizations monitoring elections be improved, and task the ODIHR to consult all relevant organizations in order to develop a framework for co-ordination in this field.

In order to enhance election monitoring preparations and procedures, the ODIHR will also devise a handbook for election monitors and set up a rolling calendar for upcoming elections.

13. The provisions mentioned in the human dimension chapter of this document do not in any way constitute a change in the mandate of either the ODIHR or the HCNM.

ODIHR seminars

14. The number of large-scale human dimension seminars will as a rule be reduced to two per year. They will focus on topics which are of the broadest interest.

There will be more emphasis on regional seminars. Where appropriate they will form part of the Programme of Co-ordinated Support. These seminars should seek full participation from States in the region in which they are held. The ODIHR is requested to present to the Permanent Council a report on how to increase the effectiveness of human dimension seminars.

Whilst these seminars will not produce a negotiated document, particular attention should be given to improving follow-up.

15. A large number of possible subjects for seminars, both large-scale and regional, was suggested during the Review Conference. The Executive Secretariat kept a list, which will be passed on to the Permanent Council. In conformity with the relevant provisions of the Helsinki Document 1992, the Permanent Council will establish an annual work programme including the titles, dates and venues of such seminars, taking into account the advice of the ODIHR and the HCNM.

16. The participating States welcomed the offer of Romania to host an International Seminar on Tolerance in Bucharest under the auspices of the ODIHR and the Council of Europe, in co-operation with UNESCO, in the context of the 1995 International Year of Tolerance.

Role of NGOs

17. The participating States and CSCE institutions will provide opportunities for increased involvement of NGOs in CSCE activities as foreseen in Chapter IV of the Helsinki Document 1992. They will search for ways in which the CSCE can best make use of the work and information provided by NGOs. The Secretary General is requested to make a study on how participation of NGOs can be further enhanced.

COMMITMENTS AND CO-OPERATION

Rule of law

18. The participating States emphasize that all action by public authorities must be consistent with the rule of law, thus guaranteeing legal security for the individual.

They also emphasize the need for protection of human rights defenders and look forward to the completion and adoption, in the framework of the United Nations, of the draft declaration on the "Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Capital punishment

19. The participating States reconfirm their commitments in the Copenhagen and Moscow Documents concerning the question of capital punishment.

Prevention of torture

20. The participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination. They recognize the importance in this respect of international norms as laid down in international treaties on human rights, in particular the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. They also recognize the importance of national legislation aimed at eradicating torture. They commit themselves to inquire into all alleged cases of torture and to prosecute offenders. They also commit themselves to include in their educational and training programmes for law enforcement and police forces specific provisions with a view to eradicating torture. They consider that an exchange of information on this problem is an essential prerequisite. The participating States should have the possibility to obtain such information. The CSCE should in this context also draw on the experience of the Special Rapporteur on Torture and other Cruelly Inhuman or Degrading Treatment or Punishment established by the Commission on Human Rights of the United Nations and make use of information provided by NGOs.

National minorities

21. The participating States confirm their determination consistently to advance the implementation of the provisions of the Final Act and all other CSCE documents relating to the protection of the rights of persons belonging to national minorities. They commend the work of the HCNM in this field.

22. The participating States welcome the international efforts to improve protection of the rights of persons belonging to national minorities. They take note of the adoption, within the Council of Europe, of a Framework Convention on the Protection of National Minorities, which

builds upon CSCE standards in this context. They stressed that the Convention is also open - by invitation - to signature by States which are not members of the Council of Europe and they may consider examining the possibility of becoming parties to this Convention.

Roma and Sinti

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:

- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);

- facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs;

- maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions.

To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.

Tolerance and non-discrimination

25. The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in

participating States. They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education. They condemn all crimes committed in the pursuit of so-called "ethnic cleansing" and will continue to give their effective support to the International War Crimes Tribunal for the former Yugoslavia in The Hague.

26. They commend the Council of Europe's plan of action on racism, xenophobia, anti-semitism and intolerance. In following up the Rome Council's Declaration, CSCE institutions will explore possibilities for joint work with the Council of Europe, as well as the United Nations and other international organizations.

27. Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

Migrant workers

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and consistent with international standards.

29. They decided that appropriate measures should be taken to better prevent racist attacks and other manifestations of violent intolerance against migrant workers and their families.

30. They reconfirm their condemnation of all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, continue to take effective measures to this end.

31. They will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Migration

32. The participating States express their concern at mass migratory movements in the CSCE region, including millions of refugees and displaced persons, due mainly to war, armed conflict, civil strife and grave human rights violations. Taking into account the Rome Council Decisions 1993, they decide to expand their co-operation with appropriate international bodies in this respect.

They take note of efforts undertaken by UNHCR to prepare a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the CIS and other interested neighbouring States.

International humanitarian law

33. The participating States deeply deplore the series of flagrant violations of international humanitarian law that occurred in the CSCE region in recent years and reaffirm their commitment to respect and ensure respect for general international humanitarian law and in particular for their obligations under the relevant international instruments, including the 1949 Geneva Conventions and their additional protocols, to which they are a party.

34. They emphasize the potential significance of a declaration on minimum humanitarian standards applicable in all situations and declare their willingness to actively participate in its preparation in the framework of the United Nations. They commit themselves to ensure adequate information and training within their military services with regard to the provisions of international humanitarian law and consider that relevant information should be made available.

35. They highly value the developing co-operation between the CSCE and the International Committee of the Red Cross (ICRC), in particular in the case of CSCE missions, and welcome

the readiness of the ICRC to develop this co-operation and commit themselves to further extend support to the ICRC, in particular by strengthening contacts already established between CSCE missions and the ICRC's delegations in the field.

Freedom of expression/Free media

36. The participating States reaffirm that freedom of expression is a human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right.

37. They condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.

38. They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

Freedom of movement/Human contacts/Cultural heritage

39. The participating States will further encourage and facilitate human contacts, cultural and educational exchanges and co-operate in accordance with CSCE provisions. They will continue to implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States and other relevant CSCE documents. They will encourage public and private efforts aimed at the preservation of the cultural heritage in their States.

40. They will encourage administrative authorities dealing with citizens of other States to fully implement the CSCE commitments concerning travel and will refrain from degrading treatment and other outrages against personal dignity. They will also consider the need for elaborating a document compiling relevant CSCE provisions.

41. The Permanent Council will explore the possibility of holding informal meetings on the issues mentioned in the two preceding paragraphs.

PROGRAMME OF CO-ORDINATED SUPPORT

42. The participating States, taking into account the progress achieved through the implementation of the Programme of Co-ordinated Support during the past two years under the co-ordination of the ODIHR, have decided that this programme should continue. The ODIHR and the Secretary General will continue to arrange meetings and seminars on CSCE-related matters to enable interested States to fulfil their CSCE commitments more easily. The participating States will continue to include representatives of these States in government-sponsored internships, study and training programmes so that levels of experience, knowledge and expertise can be raised.

43. They agreed that the ability of the ODIHR to provide in-depth expertise on human dimension issues under the Programme of Co-ordinated Support should be further developed. In order to respond to requests for advice by newly independent States concerned on all aspects of democratization, they decided that using experts-at-large within the framework of the Programme of Co-ordinated Support would be a useful enhancement of the ODIHR's role.

IX

THE ECONOMIC DIMENSION

1. The participating States reaffirm the principles and values expressed in the Helsinki Document 1992, the Document of the Bonn Conference on Economic Co-operation, and the Charter of Paris for a New Europe, and underscore that support for the economic reform process, and the development of market economies and environmentally sound policies are essential for the security and stability of the CSCE region.

2. The participating States consider it important to pay close attention to the interrelationship among all of the dimensions of the CSCE's comprehensive concept of security. The economic dimension in the CSCE comprises activities designed to promote co-operation in the field of economics, the environment and science and technology, as well as regional and transfrontier co-operation.

3. The participating States welcome the role played by the international economic and financial institutions in support of economic dimension priorities, and reaffirm their interest in working closely with these organizations. They consider it necessary to promote closer interaction between the CSCE and international economic and financial organizations and institutions engaged in the CSCE region. In order to place issues of common concern into a broader security context, the participating States encourage the Chairman-in-Office and the Secretary General to enhance their dialogue with such organizations. They ask the Secretary General to establish an international organizations contact point which would assist in the exchange of information between representatives of the CSCE and these organizations on activities relating to the economic dimension, and reduce duplication and overlap.

4. The participating States will continue to co-operate in support of the economic reform process in the countries in transition, concentrating on issues relating to trade and investment, privatization, and private sector development. They will work to promote the effective integration of the countries with economies in transition into world economic structures, and to this end reaffirm their determination to promote the continued liberalization of trade, including market access. The participating States welcome the network of bilateral and multilateral

agreements and arrangements which contribute to overcoming past divisions, and note with pleasure the successful conclusion of the Uruguay Round of the GATT negotiations and the creation of the new World Trade Organization.

5. Regional and transfrontier co-operation has a definite role in promoting good-neighbourly relations. The participating States welcome the development of an increasing number of regional groupings, in conformity with CSCE principles, including the Black Sea Economic Co-operation, the Barents Euro-Arctic Council, the Central European Initiative, the Central European Free Trade Agreement, the Council of Baltic Sea States and the Danube River Protection Convention, as positive examples of economic, environmental, regional and transfrontier co-operation.

6. The participating States note that the development of economic ties and co-operation in the framework of the Commonwealth of Independent States and the implementation of their economic agreements will contribute to resolving the problems of the transition process.

7. Recognizing the importance of infrastructure development in the promotion of economic integration in Europe, the participating States welcome the declaration of the Second Pan-European Transport Conference and undertake to implement its conclusions. The participating States note with interest the upcoming signing of the European Energy Charter, and express their support for the principle of establishing a Trans-European Energy Network.

8. The participating States recall the special ad hoc meeting of Senior Officials convened as a result of the decision by the Rome Council Meeting to discuss priority projects to assist those States affected by United Nations sanctions against Yugoslavia (Serbia and Montenegro). This meeting resulted in better international co-ordination in addressing these problems, and the participating States encourage international organizations and the involved States to continue their efforts in this regard.

9. The participating States will continue to encourage initiatives aimed at promoting sustainable development, and will take the necessary steps toward implementing various international conventions and arrangements relating to environmental protection. They express their intention to work together, along with the relevant international organizations and institutions, to ensure the maintenance of environmental standards in the CSCE area. The

participating States welcome the establishment of the European Environmental Agency in Copenhagen, and acknowledge the key role it will play in the dissemination of information in this field.

10. The participating States note the ongoing development of transfrontier co-operation on issues of mutual interest in the arctic region. They encourage the eight arctic nations to take steps to effectively implement the Arctic Environmental Protection Strategy (EPS) and ensure the continued co-ordination of its programmes.

11. The participating States will collaborate with the relevant international organizations in the preparation of the next Ministerial "Environment for Europe" Conference, scheduled for Sofia in 1995, and express their intention to continue their support for this process.

12. The participating States encourage the creation of environmental centres in the Russian Federation and the newly independent participating States, modelled after the Regional Environmental Centre in Budapest. These centres would work to promote full participation of both the public and private sectors, including non-governmental organizations, in environmental decision-making.

13. The participating States encourage ongoing international co-operation efforts, especially those of the IAEA, aimed at improving nuclear safety. The participating States will pay special attention to the safe management of radioactive waste, and welcome recent international initiatives intended to assist in this area.

14. The participating States confirm their commitment to further international co-operation in the field of science and technology through existing bilateral and multilateral frameworks, and encourage continued effort in this direction. To this end, the participating States will consider convening a second "Scientific Forum".

15. The participating States remain convinced of the need to preserve the national scientific potential of countries in transition. They recognize that co-operation between industry and research institutions is beneficial in raising productivity and enhancing competitiveness. They encourage efforts to preserve that potential, and urge continued co-operation in this area. In this

respect, they welcome the establishment of the International Science and Technology Centre in Moscow, and encourage the participation of scientists in the activities of similar centres. The participating States also encourage the promotion of the exchange of high technology, consistent with their international obligations and commitments.

16. Stressing the importance of public support for reform, the participating States will continue to pay close attention to the social aspects of the transition process.

17. The participating States encourage co-operation in the adaptation of education and training systems, so that they may better serve the needs of societies undergoing reform. Some areas requiring specific attention are the identification of present and future skill needs, retraining of the unemployed to facilitate their integration into the labour market, continued vocational training, and the integration of all sectors of society into these programmes. Training in modern management practices is also an essential element of economic reform.

18. The participating States recognize the importance of co-operation in a number of areas in the economic integration process. They confirm that the development of transparent and internationally compatible standards and certification procedures is an essential factor in promoting trade and investment. They reaffirm the importance of recognizing intellectual property rights. The participating States recognize that access to reliable information and statistics is important to public policy development as well as decision-making in the private sector. They also encourage efforts to standardize reporting practices. Progress in these areas is crucial to fostering co-operation, including the development of trade, the promotion of investment, and sound environmental policies.

19. The participating States renew their commitment to take active measures and engage in consultations in the relevant fora to prevent the trafficking of drugs.

20. The participating States stress that the Economic Forum remains the main venue for discussion of economic dimension issues. They are committed to making the Forum more dynamic through the careful preparation of each meeting well in advance, and a change in format to allow for maximum discussion. The participating States recognize that the success of the Economic Forum is dependent upon the active and high level participation of a wide range of

representatives from government, international institutions, the private sector, business associations, labour unions, academic communities, and non-governmental organizations with relevant experience.

21. The participating States request the Chairman-in-Office, with support from the Secretariat, to convene an ad hoc informal group to meet in Vienna to undertake the preparation of the Economic Forum and its follow-up. Representatives of relevant international organizations may be invited to these meetings.

22. Topics addressed in the Economic Forum in general should continue to cover various aspects of the transition process and economic co-operation in the CSCE area, as well as related issues in the economic dimension. However, in order to make Forum meetings more effective, the participating States agree to choose within the broad areas a limited number of topics for each annual meeting. The topic of the Third Economic Forum meeting will be regional economic co-operation in the fields of trade, investment and infrastructure.

23. The participating States believe tourism plays a role in promoting better understanding between different cultures, and in creating enduring links between peoples and States. In this spirit the participating States welcome the Government of Romania's decision to host a seminar on tourism in the autumn of 1995, as a follow up to the ideas proposed in the Second Economic Forum.

24. To promote greater effectiveness of economic dimension activities, and noting the decision taken by the Rome Council, the participating States ask the Secretary General to designate a position for a full-time economic expert, and to designate Secretariat staff to ensure adequate support for these activities.

25. Recalling the Rome Council decision to have the CSCE take a more active role in promoting co-operation in the economic dimension, the participating States encourage the Chairman-in-Office to convene a meeting of the Permanent Council to discuss means to integrate the economic dimension into the consideration of the tasks faced by the CSCE. Representatives of relevant international economic and financial institutions may be invited to such a meeting.

26. The participating States welcome initiatives by the private sector to create business clubs and activities in line with CSCE principles and values. The participating States stand ready to facilitate the exchanges of information and experience, and promote interaction with and among these clubs and associations, through, *inter alia*, the Economic Forum meeting.

27. The participating States also encourage the Secretariat to work towards augmenting the involvement of representatives of the business community including the private sector, business associations, and non governmental organizations with relevant experience, in economic dimension activities. This could be done through the increased use of Secretariat public affairs efforts.

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MEDITERRANEAN

1. The non-participating Mediterranean States have had a long-standing relationship with, and have shown keen interest in the work of, the CSCE since its beginning. Reaffirming their conviction that strengthening security and co-operation in the Mediterranean is important for stability in the CSCE region, the participating States welcome the agreements recently concluded in the Middle East peace process. Recalling the Helsinki Document 1992 and confirming subsequent relevant decisions, the participating States decide to intensify the dialogue with the five non-participating Mediterranean States referred to in the decision taken by the 25th Meeting of the Committee of Senior Officials.

2. To this end, and responding to the interest shown by these non-participating Mediterranean States, they take the following decisions:

(a) An informal, open-ended contact group, at the level of experts, will be established within the framework of the Permanent Council in Vienna. This group will meet periodically to conduct a dialogue with these non-participating Mediterranean States in order to facilitate the interchange of information of mutual interest and the generation of ideas.

(b) Building on the tradition of Mediterranean seminars already in existence within the CSCE, the participating States decide to hold a seminar in 1995 on the topic of the CSCE's experience in the field of confidence-building measures. The participating States also envisage holding future seminars on topics of mutual interest. They welcome the offer made by the Arab Republic of Egypt to host the above seminar, and encourage the other four non-participating Mediterranean States to make similar offers.

(c) The Chairman-in-Office will conduct during his/her term in office high-level consultations between the CSCE, represented by the Troika and the Secretary General, and the non-participating Mediterranean States.

(d) In order to consider the proposals that originate in the contact group, seminars and high-level consultations, the Chairman-in-Office will invite during the course of the year representatives of these non-participating Mediterranean States, as appropriate, to any meetings of the Permanent Council solely devoted to "Mediterranean Issues", or to the Senior Council when "Mediterranean Issues" are placed on the agenda. The Chairman of the Forum for Security Co-operation, with the consensus of the participating States, may also invite representatives of these non-participating Mediterranean States to meetings devoted to "Mediterranean Issues".